



Indian Employment Memorandum of Understanding



The State of Minnesota through its Department of Transportation and the Lower Sioux Community do hereby agree to work cooperatively together to increase employment of American Indians on Transportation Projects on or near Indian reservation lands.

This goal is consistent with Section 140(d) Title 23 United States Code (USC), with Governor Pawlenty's Executive Order 03-05, and with the Government-to-Government Transportation Accord signed in April 2002 by Mn/DOT, the Federal Highway Administration and the federally recognized Indian tribal governments governing lands within the boundaries of the State of Minnesota.

Mn/DOT and the Lower Sioux Community hereby agree to the following cooperative actions to achieve this goal.

Mn/DOT and the Lower Sioux Community, acting jointly through the Mn/DOT District Representative and the Lower Sioux Tribal Representative(s) will meet annually to review long range plans and the three-year program. Mn/DOT District Representatives and Lower Sioux Tribal Representatives will agree on construction projects to receive special attention and special actions to encourage Indian employment. They will also review the degree of success in employing Indians on current and past projects, and what additional actions might be taken in future projects.

Mn/DOT, acting through its Project Manager, will include special provisions encouraging Indian Employment for each project that has been identified to receive special attention and special actions encouraging Indian employment. The Mn/DOT Office of Equal Employment Opportunity will conduct compliance reviews when requested by the Lower Sioux Community.

The Lower Sioux Community, acting through their Tribal Representative(s), will identify tribal members with skills related to those needed for the project, recruit tribal members for Mn/DOT training, contractor training, and OJT positions, meet with unions to establish union requirements for tribal members on transportation projects where the successful bidder has an agreement to hire union labor, and educate contractors in the goals and requirements for tribal employment.

Following are key steps to be taken by Mn/DOT districts and the tribes in addressing Indian employment issues on Mn/DOT construction projects.

a. Annual Review of Plans and Projects:

Mn/DOT:

Annually, the Mn/DOT District Representative will review Mn/DOT's long-range and three year programs with the Tribal Representative from each affected tribe. Tribal Representative(s) will identify projects they consider within a reasonable commuting

distance from their reservations. Mn/DOT Project Manager contacts will be identified for each of these projects.

Tribe:

Each tribe will provide a Tribal Representative to meet with the Mn/DOT District Representative, on an annual basis, to review Mn/DOT's long-range and three-year programs. The Tribal Representative will indicate which projects they consider to either be on their reservation or to be within a reasonable commuting distance.

Some project locations may be considered within reasonable commuting distance from more than one reservation. In those cases, the Tribal Representatives will determine the primary tribal contact person representing all tribes' interests for that project. This Tribal Representative will communicate, as needed, with the other tribes having an interest in the project.

b. Project Specific Employment Issues:

Mn/DOT:

During project development, communication regarding project specific Indian employment issues would take place directly between Tribal Representative and the identified Mn/DOT Project Manager.

Tribe:

During Mn/DOT's project development process, the appropriate Primary Tribal Contact will discuss any Indian employment issues with the identified Mn/DOT Project Manager. In cases where more than one tribe is within a reasonable commuting distance to the project, see **a. Tribe:** Paragraph 2.

c. Contract Special Provisions:

Mn/DOT:

Mn/DOT Project Managers will include the standard provisions **S - Special Provisions Encouraging Indian Employment** in every project within a Reservation or identified as within reasonable commuting distance from a Reservation. The Mn/DOT Project Manager will contact the Tribal Representative to verify the name of the person to be identified in the special provision as the Indian employment subject person for contractors who are preparing bids.

Tribe:

The Tribal Representative, upon request by Mn/DOT's Project Manager, will provide the name of the person to be identified in the special provisions as the Indian employment subject contact person for contractors who are preparing bids.

d. TERO Fees:

Tribe:

The Tribal Representative will provide the TERO fee information to contractors, upon request for projects partly or wholly within reservations that charge a TERO fee.

e. Pre-bid Meeting:

Mn/DOT:

The Mn/DOT Project Manager will invite the Tribal Representative if a pre-bid meeting is held and includes Indian employment issues.

Tribe:

If invited, the Tribal Representative will arrange for someone to attend the pre-bid meeting who can address Indian employment issues.

f. Preconstruction Conference:

Mn/DOT:

Once a project with Indian employment provisions is let and awarded, the Mn/DOT Project Engineer will notify the Tribal Representative of the successful bidder and invite that person to the preconstruction conference.

Tribe:

The Tribal Representative will be invited to attend the preconstruction conference. In addition, interested tribal members can monitor all Mn/DOT project letting information by accessing this website:

<http://www.dot.state.mn.us/bidlet/>. Once a contractor is identified, the tribe may request a copy of the contractor's affirmative action plan.

g. Evaluation of Success:

Mn/DOT:

The Mn/DOT Project Manager, at least once during the project, will contact the Tribal Representative to discuss success/progress in employing Indians on the job.

Tribe:

The Tribal Representative will discuss, with Mn/DOT's Project Manager, the success/progress and opportunities for additional or modified actions to improve the success in employing Indians on the job.

The parties recognize that this Memorandum of Understanding is a good first step. Parties will continue to meet on a quarterly basis to assess success and build stronger relationships. This document may be amended or modified by the respective parties, at any time agreed upon, if needed.

This Memorandum of Understanding is hereby agreed to by:

MN Department of Transportation

Lower Sioux Community

Carol Molnau Date
Lt. Governor/Commissioner

Ann Larsen Date
Chairman